

IN THE HIGH COURT OF UTTARANCHAL AT NIANITAL
WRIT PETITION NO: 4004 OF 2001 (S/S)
(Old No. 3848/1991)

Pradeep Kumar, S/o Sri Harikishan, R/o Village and Post Bhainsi, District Muzaffar Nagar.

-----Petitioner

Versus

- 1- The District Inspector of Schools Haridwar.
- 2- Raja Mahendra Pratap Prem Vidyala Inter College
Village and Post Office Gurukul Narsan District
Haridwar.
- 3- The U.P.Secondary Service commission U.P.
Allahabad.

-----Respondents

,Sri Sanjeev Singh,, learned counsel for petitioner.
Standing Counsel for respondents.

Dated : March 6, 2006.

HON'BLE RAJESH TANDON, J.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondent no.1 to pay the salary from the date of his joining on the post of Assistant Teacher.

Briefly stated, according to the case of the petitioner he was appointed by the Management Committee vide his letter dated 10.07.1990. A copy of the appointment letter shows to the following effect:

^ Jh inhi dekj i= Jh gfjfd'ku

xke Mk0 HkIh ft- e|tQQjuxj

dated 10/7/1990

fu;fDr i=

vkidk Ifpr fd;k tkrk g| fd vkidh bl l|LFkk e| d{kk 6 l| 10
rd i<ku| gr| 0;k;ke v/;kid d| in ij ,yOVh0 oru de ij
1400&40&1800 2300%e| fu;fDr fuEu ifrcU/kk| d| lkFk dh tkrh g%

- 1- vkidh fu;fDr dh lok 'krik d; lEcu/k e; foHkx l; tk Hkh
vkn;'k iklr gkx; o; lHkh ykx; gkx;A
- 2- vkidh fu;fDr rHkh iHkkoH gkxh tc Jh ftyk fo/kky; fujh{k.k
gfj}kj l; vueknu iklr gk tk; xkA
vki bl fu;fDr i= dh iklr d; nl fnu d; Hkhrj dk; l xig.k dj;xA
l /ku; oknA**

The petitioner has submitted that the post of lecturer was lying vacant for the last two years and about a year before the Management Committee has sent a requisition to the U.P. Secondary Service Commission, Allahabad. Thereafter in pursuance of the letter of appointment the petitioner has joined the duties as Assistant teacher on 11.07.1990.

The grievance of the petitioner is that by virtue of Section 18(1) of U.P. Secondary Education (Services Selection Boards) Act, 1982, his appointment having been made, therefore, he has been regularized under Regulation 33-C of the Act. A counter affidavit has been filed by the State where it has been stated that the appointment of the petitioner was not made in accordance with Section 18 of U.P. Secondary Education Services Selection Boards Act and, as such, he is not liable to be paid any salary.

The writ petition was filed as back as in the year 1991. The appointment letter shows that it was conditional subject to the approval of the District Inspector of Schools. However, nothing has been brought on the record as to whether what has happened to the said approval.

However, the matter is sent back to the respondent No.1, District Education Officer to pass appropriate order on the representation filed by the petitioner. The petitioner shall make a representation

within a period of three weeks from the date of filing of certified copy of the order and the District Education Officer shall pass appropriate order with regard to the payment of the salary of the petitioner within a period of three months thereafter.

Subject to the aforesaid, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J)

06.03.2006.

Negi.